



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch  
CEPOA-CO-R  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

**PUBLIC NOTICE DATE:** June 30, 2006

**EXPIRATION DATE:** July 30, 2006

**REFERENCE NUMBER:** POA-2006-977-4

**WATERWAY:** Broad Bay

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: West Construction Company, P.O. Box 920145, Dutch Harbor, Alaska 99518

AGENT: Travis/Peterson Environmental Consulting Inc., 329 2<sup>nd</sup> Street, Fairbanks, Alaska 99701. David L. Miller (907) 455-7225.

LOCATION: The proposed project is located within section 36, T. 72 S., R. 119 W., Seward Meridian; Latitude 53.9044° N., Longitude 166.6295° W.; Broad Bay, near U.S. Survey 7375

PURPOSE: The project purpose is to establish a sand and gravel mine that will serve cities and villages on the Aleutian Islands and Alaska Peninsula.

WORK: Approximately 8,600 cubic yards of overburden will be stockpiled to access sand/gravel deposits. Overburden will be used in project reclamation. Screening plant will be set up in the pit. Mine will expand to 10 acres over a 10 year life cycle. Most of the excavation will occur in uplands, however, stockpiling side-cast materials and borrow area may impact between 0.5 acre to 1 acre of wetlands (to be reclaimed).

ADDITIONAL INFORMATION: Landing craft and barge loading site do not require development. Existing landing strip and roads will be used.

MITIGATION/RECLAMATION: Minimization of impacts include limiting amount of stockpiling needed to access underlying gravels, use of existing roads and disturbed areas, use of landing craft for transport to eliminate need to construct dock structure, and reclamation plan which includes re-contouring and seeding. Reclamation plan to be filed with Department of Natural Resources.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite (UNL-00234 and UNL-00147 are located approximately one-half mile north of the project area). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal

regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Medrick Northrop at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at [regpagemaster@poa02.usace.army.mil](mailto:regpagemaster@poa02.usace.army.mil) if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

Discharge dredged or fill material into waters of the United States -  
Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review  
will consider the guidelines set forth under Section 404(b) of the Clean Water Act  
(40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska  
Coastal Management Program, and Notice of Application for State Water Quality  
Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

## PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10. 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(RFNS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME West Construction Company, Inc.	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) David L. Miller, Staff
6. APPLICANT'S ADDRESS P.O. Box 920145 Dutch Harbor, Alaska 99518	9. AGENT'S ADDRESS Travis/Peterson Environmental Consulting Inc. 329 2 <sup>nd</sup> Street Fairbanks, Alaska 99701
7. APPLICANT'S PHONE NOS. W/AREA CODE  a. Residence: 907-561-9844 (fax) b. Business: 907-581-5766	10. AGENTS PHONE NOS. W/AREA CODE  a. Residence (907) 455-7228 fax b. Business (907) 455-7225

## 11. STATEMENT OF AUTHORIZATION

I hereby authorize David L. Miller to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

Terry Fetherolf  
APPLICANT'S SIGNATURE

6/20/06  
DATE

## NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12- PROJECT NAME OR TITLE (see instructions)  
Broad Bay Gravel Mine

13. NAME OF WATERBODY, IF KNOWN (if applicable)

Broad Bay (See Exhibit 1)

15. LOCATION OF PROJECT

Aleutians West Borough  
COUNTY

Alaska  
STATE

14. PROJECT STREET ADDRESS

US Survey 7375, Unalaska Island, Alaska

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions)

NE ¼ of Section 36, T72S, R119W, Seward Meridian

17. DIRECTIONS TO THE SITE

See Exhibit 1

West Construction Co.  
Broad Bay Sand/Gravel  
POA-2006-977-4  
6/27/2006

18. Nature of Activity (Description of project, include all features)

See Attachment 1.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the proposed activity is to establish a sand and gravel mine that will serve cities and villages on the Aleutian Islands and the Alaska Peninsula.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The only discharge for this project will be the overburden stockpile, which will be used in reclamation activities at the close of the project.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

Approximately 8,600 cubic yards of overburden will be stockpiled, impacting approximately 0.5 acre. See Attachment 2 for details.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Fill placement will impact approximately 0.5 acres of wetlands over a period of 10 years.

23. Is Any Portion of the Work Already Complete? Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental List).

See Attachment 3.

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
--------	----------------	-----------------------	--------------	---------------	-------------

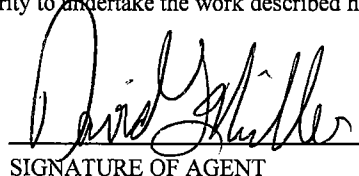
See Attachment 4.

\*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

  
SIGNATURE OF APPLICANT

6/20/06  
DATE

  
SIGNATURE OF AGENT

6/19/06  
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguised a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

# **APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**

## **ATTACHMENTS**

- ATTACHMENT 1 – Nature of Activity
- ATTACHMENT 2 – Type(s) of Material Being Discharged and Quantities
- ATTACHMENT 3 – Adjoining Property Owners
- ATTACHMENT 4 – Other Permits and Approvals
- ATTACHMENT 5 – Exhibits and Drawings
- ATTACHMENT 6 – Section 404(b) (1) Narrative
- ATTACHMENT 7 – Coastal Zone Project Questionnaire

## ATTACHMENT 1

### NATURE OF ACTIVITY

The proposed activity is mining a gravel deposit located on a native allotment in U.S. Survey 7375 on Unalaska Island, Alaska in the northeast  $\frac{1}{4}$  of Section 36, T72S, R119W, Seward Meridian (Figure 1). Land immediately adjacent to the proposed activity consists of native allotments, village lands (Native Village of Unalaska) and state tidelands.

Access to the site from Unalaska or Dutch Harbor is by bush plane via a landing strip north-northwest of the site or landing on the beach adjacent to the site. Access can also be gained by water, landing on the beach adjacent to the site. The developer intends to use landing craft and barges to ferry equipment and materials to and from the site. A set of existing roads (Figure 2) will be used for ground transportation around the site, both to and from the barge landing area and to and from the equipment staging area. Equipment will be staged on a previously disturbed area (Figure 2).

Mining will begin in the south-southwest portion of the site and proceed generally to the north or northwest, following the gravel deposits. The general mining season will be from May through September, with a limited amount of mining from September through April. The total area of disturbance for the project will be approximately 10 acres. Excavation will be limited to soils that are above the level of groundwater. As a result, all of the excavation will occur in uplands, although overburden may be placed in wetlands, accounting for between 0.5 and 1 acre of wetland disturbance.

The screening plant will be set up in the pit (Figure 3). The access ramp will be east corner of the pit (Figures 2 and 3). The screening plant and stockpiles will be placed in close proximity to the access ramp (Figure 3). Pit-run material will be screened and stockpiled in the pit, awaiting transportation to the barge landing. If the bottom of the pit fills with ground water, the screening plant will need to be moved, disturbing additional acreage, reducing the minimization afforded by the in-pit screening plant. As such, avoiding ground water intrusion will be important to the economics of the project.

The site will be reclaimed once all mining activity has concluded. The sides of the pit will be contoured to a slope of between 5:1 and 3:1 and topsoil placed to a depth of three to six inches. The area will then be reseeded, using a mixture of 60% tufted hair grass (*Deschampsia caespitosa* (L.) Beauv.) and 40% creeping red fescue (*Festuca rubra* L. var Boreal). The seed should be applied at the rate of 1 lb per 1,000 ft<sup>2</sup> with 450 lbs of a 20/20/10 fertilizer.



## ATTACHMENT 2

### TYPE(S) OF MATERIAL BEING DISCHARGED AND QUANTITIES

Approximately 8,600 cubic yards of overburden will be stockpiled, impacting approximately 0.5 acre.

**TABLE 1**

### PROJECTED CUT AND FILL VOLUMES

Material Type	Quantity by Affected Land Resource (yd <sup>3</sup> )		Total Quantity (yd <sup>3</sup> )	TYPE OF ACTIVITY		Acres of Jurisdictional Wetland Impacted
	Wetlands	Uplands		Dredge	Fill	
Overburden	8,600	0	8,600		X	0.5 Acre
Gravel/Sands	50,000	0	50,000	X		0 Acres

### **ATTACHMENT 3**

#### **ADJOINING PROPERTY OWNERS**

Land immediately adjacent to the native allotment being developed is owned by the Ounalashka Corporation, the native corporation for the Village of Unalaska. The address for the Ounalashka Corporation is:

400 Salmon Way, PO Box 149  
Unalaska, Alaska

## **ATTACHMENT 4**

### **OTHER PERMITS AND APPROVALS**

A Bureau of Indian Affairs Mineral Prospecting Permit was submitted for this project on January 3, 2006.

A Reclamation Plan will be filed with the Department of Natural Resources (DNR).

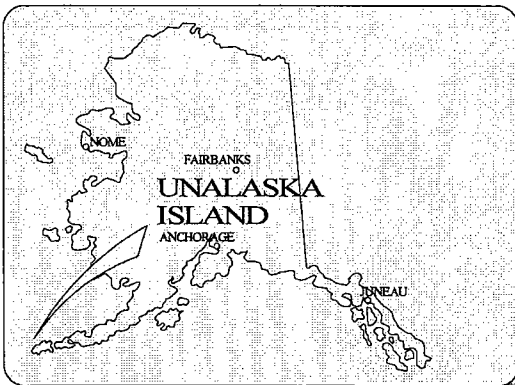
A barge landing permit will be filed with DNR.

A section 404 permit will be filed with the Army Corps of Engineers.

## **ATTACHMENT 5**

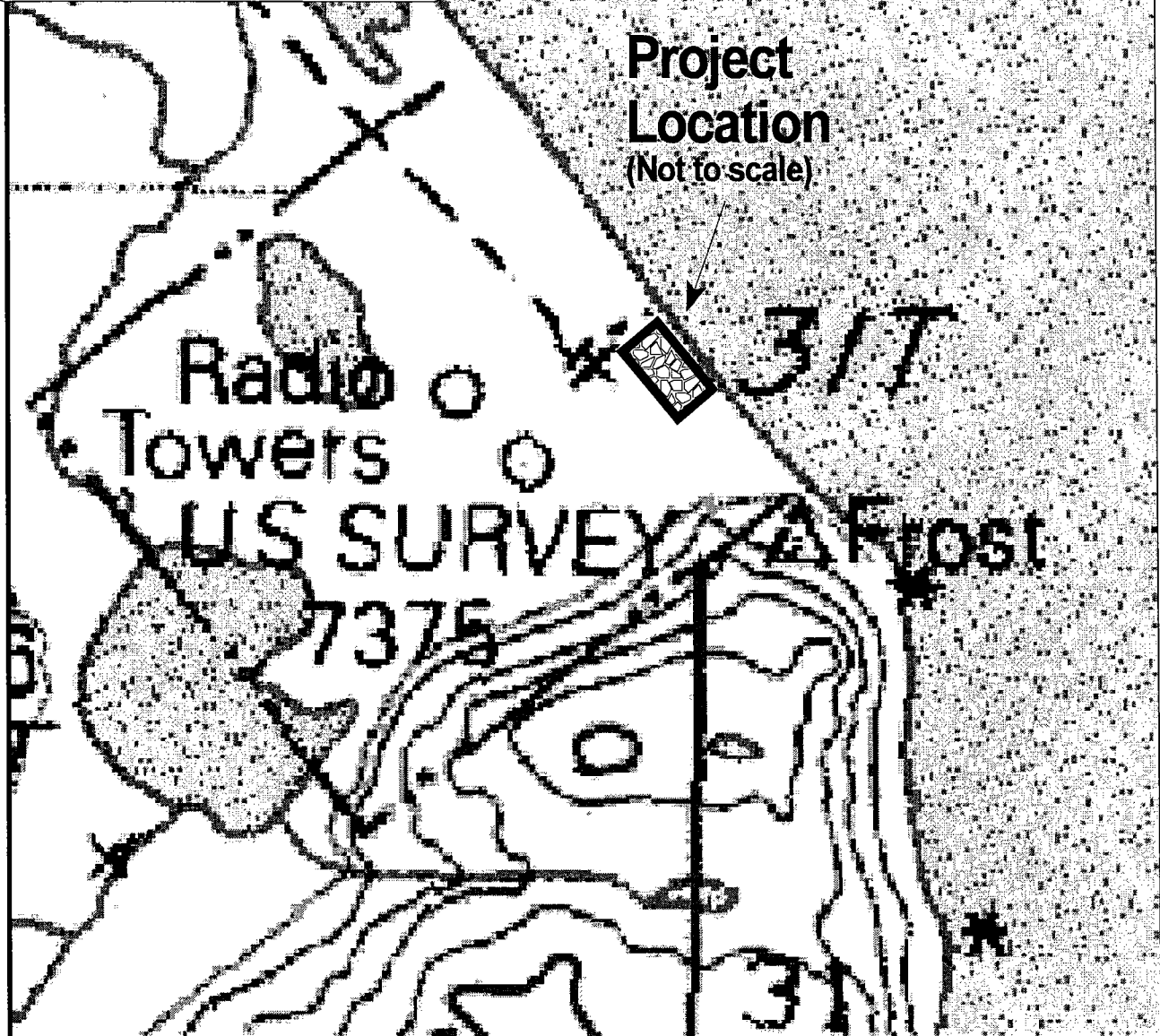
### **EXHIBITS AND DRAWINGS**

- Exhibit 1 – Location & Vicinity
- Exhibit 2 – Site Plan
- Exhibit 3 – Pit Plan View
- Exhibit 4 – Cross Sections
- Exhibit 5 – Wetlands



# Broad Bay (Unalaska Bay)

**Project  
Location**  
(Not to scale)



Map center is UTM 3 392845E 5974124N (WGS84/NAD83)  
**Unalaska C-2** quadrangle  
 Projection is UTM Zone 3 NAD83 Datum

\* M  
 G  
 M=11.682  
 G=-1.318

TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.  
 329 2ND STREET  
 FAIRBANKS, ALASKA 99701

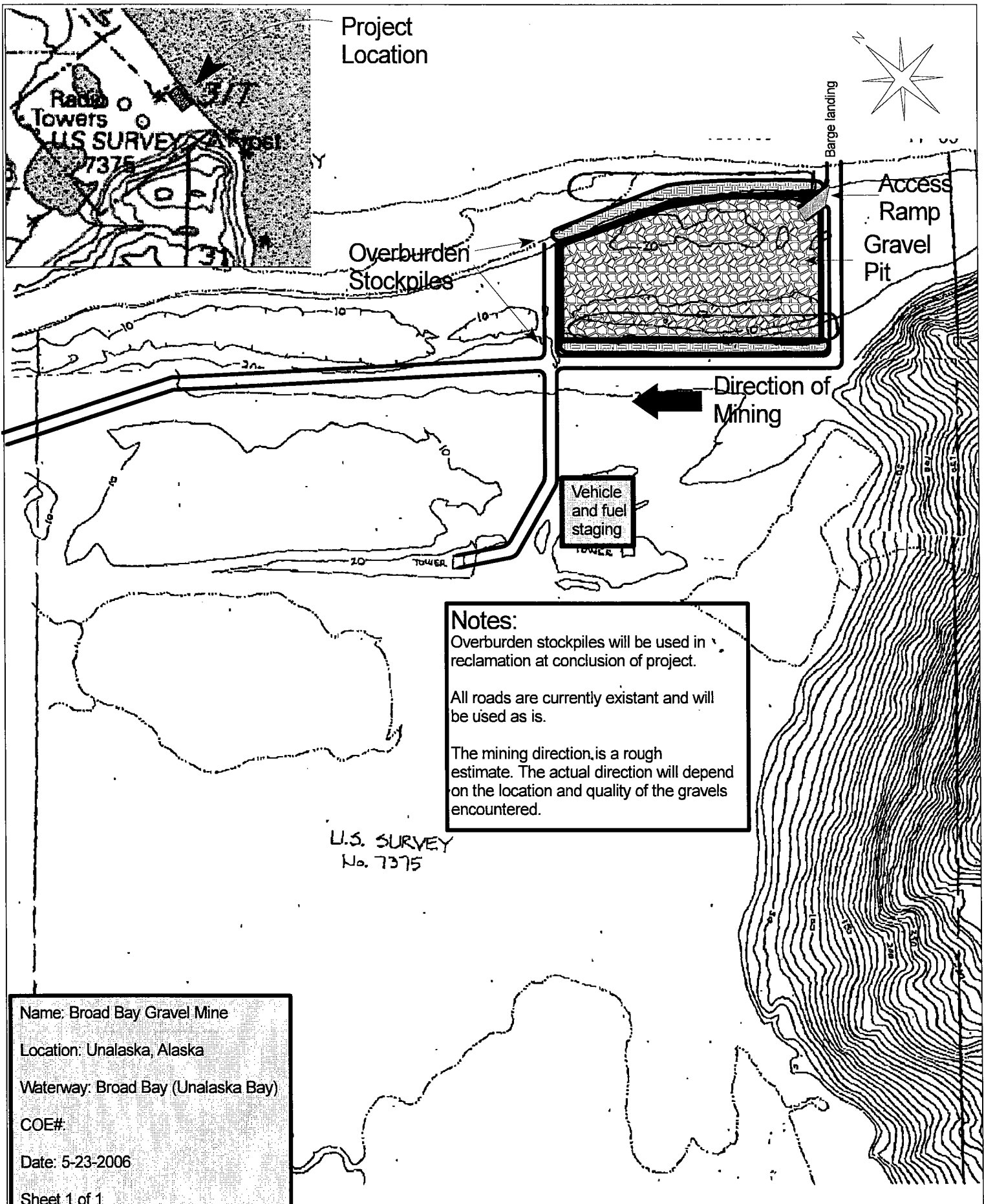
WEST CONSTRUCTION COMPANY, INC.  
 BROAD BAY GRAVEL MIN

EXHIBIT 1

PROJECT No: 1100-14

FILE: 1100/14/Figures/Exhibit.SKF

West Construction Co.  
 Broad Bay Sand/Gravel  
 POA-2006-977-4  
 6/27/2006

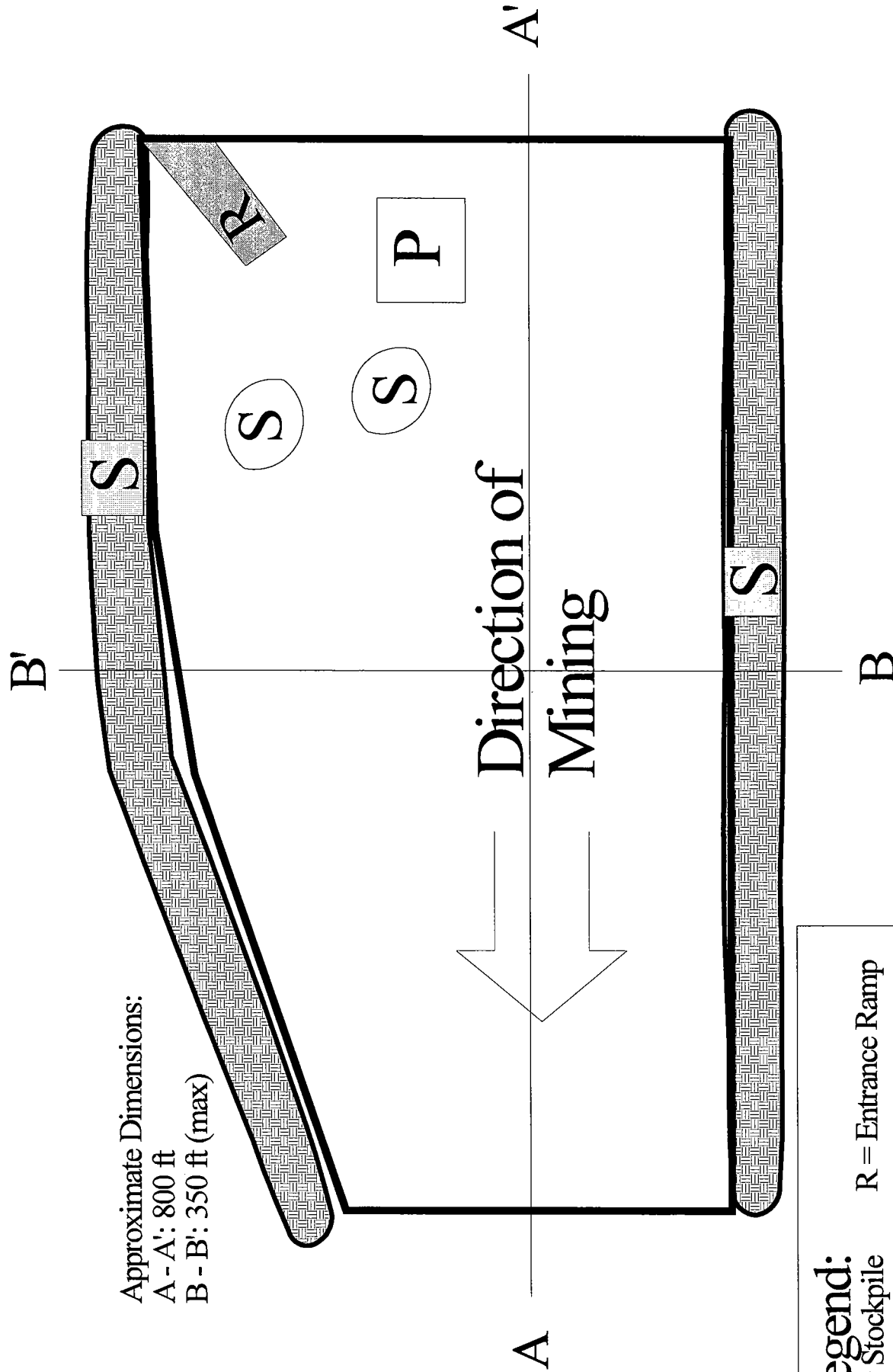


Name: Broad Bay Gravel Mine  
 Location: Unalaska, Alaska  
 Waterway: Broad Bay (Unalaska Bay)  
 COE#:  
 Date: 5-23-2006  
 Sheet 1 of 1



TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.  
 329 2ND STREET  
 FAIRBANKS, ALASKA 99701

WEST CONSTRUCTION  
 BROAD BAY GRAVEL M

West Construction Co.  
 Broad Bay Sand/Gravel  
 POA-2006-977-4  
 6/27/2006



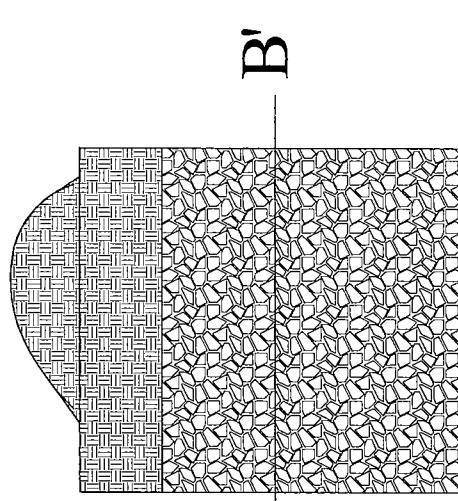
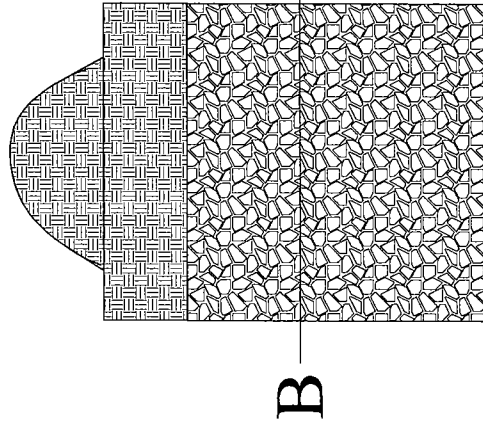
Approximate Dimensions:  
 A - A': 800 ft  
 B - B': 350 ft (max)

- Legend:**
- S = Stockpile
  - P = Screening Plant
  - R = Entrance Ramp
  -  = overburden
  -  = gravel

TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.  
 329 2ND STREET  
 FAIRBANKS, ALASKA 99701

WEST CONSTRUCTION  
 BROAD BAY GRAVEL MINE

West Construction Co.  
 Broad Bay Sand/Gravel  
 POA-2006-977-4  
 6/27/2006



Approximate Dimensions:

A - A': 800 ft

B - B': 350 ft (max)

**Legend:**

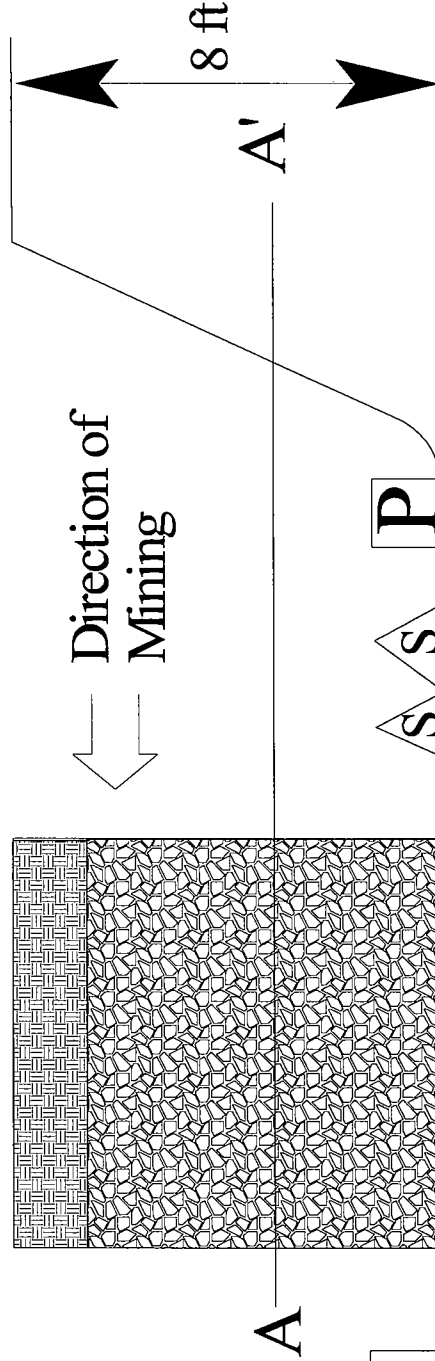
S = Stockpile

R = Entrance Ramp

P = Screening Plant

= overburden

= gravel



TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.  
329 2ND STREET  
FAIRBANKS, ALASKA 99701

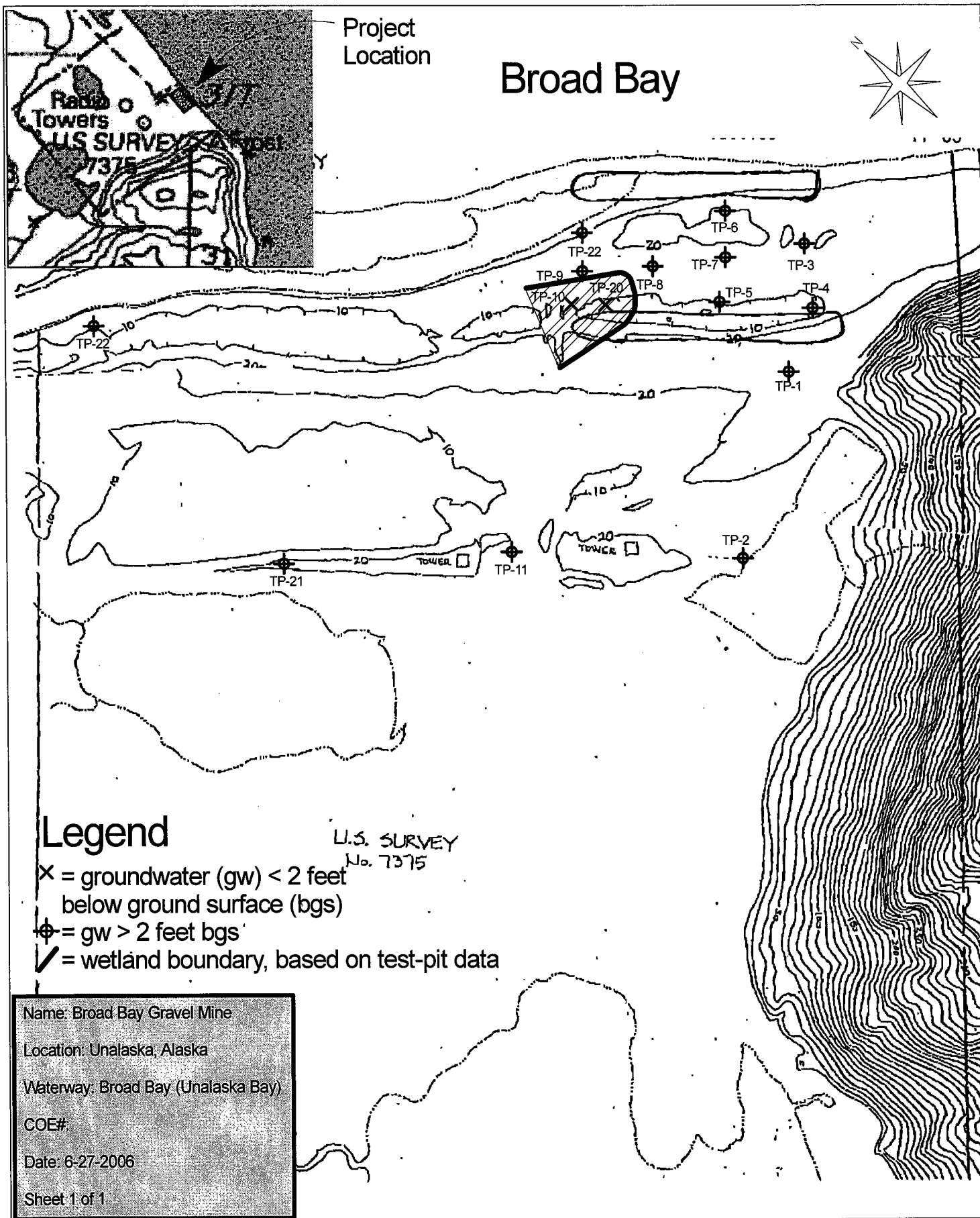
WEST CONSTRUCTION  
BROAD BAY GRAVEL MINE

West Construction Co.  
Broad Bay Sand/Gravel  
POA-2006-977-4  
6/27/2006

PROJECT No: 1100-14

FILE: 1100/14/Permits/Figures/Cross section.SKF





TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.  
329 2ND STREET  
FAIRBANKS, ALASKA 99701

WEST CONSTRUCTION C  
BROAD BAY GRAVEL MINE

PROJECT No: 1100-14

FILE: 1100/14/Figures/Wetland Figure.SKF

West Construction Co.  
Broad Bay Sand/Gravel  
POA-2006-977-4  
6/27/2006

Page 13 of 17

## ATTACHMENT 6

### SECTION 404 (B) (1) NARRATIVE

#### **GENERAL**

The following narrative is provided to demonstrate how the project proponent has complied with Section 404(b) (1) of the Clean Water Act (40 CFR 230). Pursuant to Section 404 (b) (1) of the Clean Water Act:

“Except as provided under section 404(b) (2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge, which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environment consequences.”

#### **ALTERNATIVES ANALYSIS**

As per 40 CFR 230.10, practicable alternatives to the proposed development that would avoid discharging fill material into Waters of the United States or adjacent wetlands must be evaluated. Pursuant to 40 CFR 230.10 (a.1):

“For the purpose of this requirement, practicable alternatives include, but are not limited to:

- i. Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters:
- ii. Discharges of dredged or fill material at other locations in waters of the United States or ocean waters.”

#### **No Action Alternative:**

The no action alternative would not provide jobs and would not provide a readily available source of gravel for the Aleutian Islands and the Alaska Peninsula. Additionally, the allotment owner plans to use royalties from the gravel mine to develop his allotment to benefit the local economy. The no action alternative would not provide royalties for the planned development and would not benefit the local economy.

#### **Mine but do not Stockpile Alternative:**

This alternative would entail proceeding with the proposed mining activity but, rather than stockpiling the overburden as is typical in mining operations of this sort, this alternative includes the removal of the overburden to an offsite, upland location. While this would mitigate any wetland impacts from the placement of fill, the removal of the overburden would entail a significant cost burden on the developer and reduce the profitability of the mining operation. Additionally, reclamation activities would require the importation of additional fill material, further reducing the profitability of the operation.

**Proposed Action Alternative:**

The proposed action alternative would provide local jobs and a readily available source of gravel for the Aleutian Islands and the Alaska Peninsula, both of which would enhance the local economy. Additionally, the allotment owner plans to use royalties from the gravel mine to develop his allotment to provide further benefit to the local economy. The environmental impacts of the proposed action are detailed in the following sections.

***IMPACTS ANALYSIS***

Pursuant to 40 CFR 230.41, the discharge of dredged or fill material into jurisdictional wetlands may adversely impact the following wetland functions:

- Biological productivity;
- Vegetation;
- Nutrient exchange;
- Water quality;
- Fish and wildlife habitat;
- Downstream hydrology; and
- Retention and storage of storm water runoff.

The projected impacts of the proposed development on each of these attributes are described in the following sections.

***Biological Productivity***

Pursuant to 40 CFR 230.41, project activities may adversely affect the biological productivity of wetland ecosystems by:

- Smothering wetland soils and vegetation due to fill placement;
- Dewatering (both temporary and permanent);
- Flooding (both temporary and permanent);
- Alteration of substrate elevation; and/or
- Alteration of periodicity of water movement.

The stockpiling of overburden will smother wetland vegetation and alter the elevation of the ground surface. These impacts will end when the overburden is removed and used for reclamation purposes at the end of the project.

***Vegetation***

Pursuant to 40 CFR 230.41, project activities may adversely affect the vegetation of wetland ecosystems by:

- Destruction of vegetation by clearing and/or fill placement and/or
- Changes to upland vegetation due to loss of substrate saturation due to fill placement.

Vegetation will be impacted by the placement of fill in the course of stockpiling the overburden and by clearing as the overburden is removed, both of which will be mitigated by reclamation activities at the end of the project. This vegetation is expected to recover and/or be restored after the end of the project

#### *Nutrient Exchange*

Pursuant to 40 CFR Section 230.41, project activities may adversely affect the nutrient exchange capacity of wetland ecosystems by:

- Reducing the system's biological productivity;
- Obstructing current patterns; and/or
- Changing current velocities.

The overburden stockpiles will reduce the system's biological productivity by smothering vegetation. The impact is expected to end when the overburden is removed and used in reclamation activities.

#### *Water Quality*

Pursuant to 40 CFR 230.41, project activities may adversely affect the water quality of wetland and downstream ecosystems by:

- Obstructing circulation patterns that flush large expanses of wetland systems;
- Interfering with the filtration function of wetland; and/or
- Changing the aquifer recharge capability of wetlands.

The proposed activity is not expected to adversely impact water quality as described above.

#### *Fish and Wildlife Habitat*

Pursuant to 40 CFR 230.41, project activities may adversely affect fish and wildlife found in the wetland ecosystem through the:

- Destruction or reduction of wetland habitat and/or
- Destruction of migration corridors.

The proposed activities will not impact migration corridors and will not permanently destroy any wetland habitat. All impacts will be temporary and will be corrected in the reclamation phase of the project.

#### **PROPOSED MINIMIZATION OF IMPACTS**

The most significant impact due to the development is the loss of vegetation and, as a result, a loss of biological productivity, during the time in which the mine is active. This will be minimized by removing and stockpiling only the overburden required to access the underlying gravels. Additional minimization is being achieved by using the existing roads, by using an existing disturbance as a staging area for equipment and fuel, by using a landing craft to transport supplies and equipment, negating the need to build a dock or quay and by placing the screening plant within the pit.

#### **PROPOSED MITIGATION OF IMPACTS**

Avoidance and minimization efforts will keep wetland impacts to a practicable minimum. Once the project is completed, the mining pit and associated stockpile areas will be reclaimed. Reclamation will be accomplished by re-contouring the walls of the pit to a slope between 5:1 and 3:1. The stockpiled overburden will be spread to a depth of approximately three (3) to six (6) inches. The area will then be reseeded, using a mixture of 60% tufted hair grass (*Deschampsia caespitosa* (L.) Beauv.) and 40% creeping red

fescue (*Festuca rubra* L. var Boreal). The seed should be applied at the rate of 1 lb per 1,000 ft<sup>2</sup> with 450 lbs of a 20/20/10 fertilizer.

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2006-977-4, Broad Bay**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment #1

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2006-977-4, Broad Bay**, State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508